

Washington D.C. – Today, the House Natural Resources Subcommittee on Water and Power held a hearing on [H.R. 1837](#), the San Joaquin Valley Water Reliability Act. Congressman Kevin McCarthy and Kern County Water Agency General Manager Jim Beck gave remarks.

Below is video and transcript:

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Chairman McClintock: We've just been joined by the Majority Whip, the Gentleman from California Kevin McCarthy who the chair is pleased to recognize to introduce our next witness.

Congressman McCarthy: Well thank you Mr. Chairman. I want to thank you for holding this important hearing. I just want you to know I fully support this legislation addressing the man-made drought in California. For too long, government regulations put fish over farmers and people.

Just in my county alone, in Kern County, we've lost more than 375,000 acre-feet of water from the State Project in recent years. And when you think of what just transpired last month with Governor Brown declaring an end to California's drought. We have 165 percent of snowpack, but farmers won't be getting 100 percent. To use an analogy that even the Kern County Water Agency uses, that's like a company having its best profits ever, but telling its employees they're going to get 80 percent of their paycheck. This is unacceptable and unheard of.

That is why I am honored to introduce Jim Beck, the general manager of the Kern County Water Agency. Jim has been at the table and fighting for Kern County and local farmers' water interests for 28 years. As the head of the second largest agency in the State Water Project, Jim has a detailed firsthand knowledge of water policy in the state, and is consistently working to ensure our farmers get the water they are entitled to and pay for. Water in Kern County supports millions of acres of farmland in my district that produce over \$3.5 billion in agricultural goods annually. Jim also plays an integral part in ensuring coordination between the State and the Central Valley Project so that farmers and residents aren't left high and dry. Mr. Chairman I

give you Jim Beck. I yield back.

Kern County Water Agency General Manager Jim Beck: Thank you for those kind words Congressman McCarthy. Good morning. I am Jim Beck, I am the General Manager of the Kern County Water Agency. We are located in Bakersfield, California. God's country. We're the second largest contractor on the State Water Project, with an annual allotment of approximately 1 million acre-feet of water that's delivered to 14 public agencies that serve families, farms and businesses in Kern County. This year we're celebrating our 50th anniversary, and my how things have changed. In 1961, when the Agency was created we expected to receive 100 percent of the water we contracted for each and ever year. By 2005, as a result of numerous environmentally-based decisions, we anticipated receiving only 68 percent of our total contract amount on an average annual basis. In 2008, after the new biological opinions were issued by the National Marine Fishery Service and the Fish and Wildlife Service, the State Project delivery capability dropped again to 60 percent, or about 600,000 acre-feet on average for my Agency; a 40 percent decline in just under 50 years. Not part of our history that we are particularly proud of nor something we are willing to repeat.

Under these conditions, making the best possible use of existing surface and groundwater supplies has become our most important objective, and that is something that we are very proud of. But if we do that effectively, the state and federal governments must do a better job of balancing ecosystem and water supply needs in the Delta. H.R. 1837 takes significant steps toward that end. Title I of the Act makes reforms to the Central Valley Project Improvement Act. And while we're not CVP contractors, I will address specific sections of that Title that will benefit Kern County. We support section 102 which modifies the definition of anadromous fish, the original definition included Striped Bass and American Chad. Both species are non-native invasive species, and in the case of Striped Bass are known to prey on the Delta's protected Salmon species and the Delta Smelt. Changing this definition clarifies that actions taken by the federal agencies under CVPIA should not include protecting these invasive species at the expense of endangered native species.

We also support Section 103 of the bill that provides a 40-year contract period for long-term water service and repayment contracts. Because it would significantly improve the certainty that our partners, the CVP water districts, can fund their share of a \$12 billion facility that is to be built under the Bay-Delta Conservation Plan and is vital to our county's future.

Paragraph 108A would require the Department of Commerce and the Department of the Interior to issue biological opinions for the State Water Project and the CVP that are no more restrictive than the operations required under the Bay-Delta Accord. The negotiations leading to the

Accord involved months of research, years of research, and discussion about the best way to protect Salmon and Delta Smelt, while still providing California with an adequate water supply. It was an historic agreement and a model for how we should operate today.

H.R. 1837 proposes to restore stability to the Delta ecosystem and water supply management by reinstating the last set of standards that did not result in litigation. Without a break from the species-by-species ESA approach that we see today that focuses solely on the State Project and the Central Valley Project, we should expect a continued predictable rounds of the biological opinions being issued, followed by legal challenges by both the environmental community and public water agencies.

Paragraph 108B is an essential provision of the Act and without it we will be unable to support the legislation. This paragraph does provide preemption of state law in favor of the provisions of this bill. Why touch this potentially volatile issue? To put it simply, unless application of a different standard under state law is preempted, the State Water Project may be required by the State of California to carry the entire burden of Delta standards. We can't let this happen. It would result in the unintended consequence of our supplies being reduced. We will work with the authors in the subcommittee to ensure the language is adequate to avoid these consequences.

Title II and Title III of the bill do not involve issues that we are parties to, either the San Joaquin Settlement Agreement or the contract issues.

I do want to thank the committee for their time and attention today, and would be glad to answer any questions that you may have. Thank you.